

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
 UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF ARKANSAS
 Pine Bluff DIVISION

DEC 22 2003
 JAMES W. McCORMACK, CLERK
 By: DEP. CLERK

Mark W. Singson #90695
 (Enter above the full name of
 the plaintiff in this action.)

LEWIS Brooks 119563

TIM Wright 118776

Social Security No. 571-43-7631

Prisoner ID No. 90695

V.

CASE NO. 5:03CW00477
HLJ

James Byers

Warden Luckett

Warden Lay

(Enter above the full name of
 defendant, or defendants, in
 this action.)

This case assigned to District Judge
 and to Magistrate Judge

Moody
Pues

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court
 dealing with the same facts involved in this action?

Yes _____ No X

- B. If your answer to A is yes, describe each lawsuit in the
 space below including the exact plaintiff name or alias
used. (If there is more than one lawsuit, describe the
 additional lawsuits on another piece of paper, using the
 same outline.)

1. Parties to this lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if
 state, name the county: _____)

3. Docket Number: _____
4. Name of judge to whom case was assigned: _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending? _____
6. Approximate date of filing lawsuit: _____
7. Approximate date of disposition: _____

II. Place of Present Confinement: _____

III. There is a written prisoner grievance procedure in the Arkansas Department of Correction and in your county jail. Failure to complete the grievance procedure may affect your case in federal court.

- A. Did you present the facts relating to your complaint in the state or county written prisoner grievance procedure?

Yes _____ No X

- B. If your answer is YES, Attach copies of the most recent written grievance(s)/response(s) relating to your claims showing completion of the grievance procedure. FAILURE TO ATTACH THE REQUIRED COPIES MAY RESULT IN THE DISMISSAL OF YOUR COMPLAINT.

- C. If your answer is NO, explain why not: Disciplinary
appeal is the available administrative remedy in this case.

ALL PLAINTIFFS HAVE EXHAUSTED ADMINISTRATIVE REMEDIES.

IV. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

- A. Name of plaintiff: Mark W. Singson

Address: PO BOX 500 GRADY ARKANSAS 71644

A.(1) PLAINTIFF: TIM WRIGHT, PO BOX 500 GRADY Ark 71644

A.(2) PLAINTIFF: LEWIS BROOKS, 2501 STATE FARM Rd
TUCKER Ark 72168

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.)

B: Defendant: JAMES BYERS
Position: DISCIPLINARY JUDGE
Place of Employment: ARKANSAS DEPARTMENT OF CORRECTIONS
Address: PO BOX 8707 PINE BLUFF ARKANSAS 71611

Defendant: Mr LUCKETT
Position: WARDEN
Place of Employment: ARKANSAS DEPARTMENT OF CORRECTIONS
Address: PO BOX 500 GRADY ARKANSAS 71644

Defendant: Mr LAY
Position: WARDEN
Place of Employment: ARKANSAS DEPARTMENT OF CPRRECTIONS
Address: PO BOX 500 GRADY ARKANSAS 71644

Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

V. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

There are a number of issues involved. please see attachments.

NOTE: At this time I am requesting a Jury trial for these proceedings.

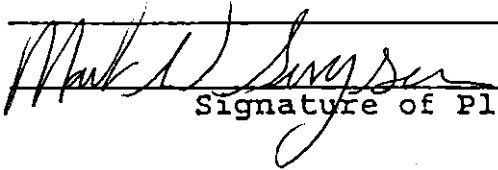
VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I am requesting \$ 100,00 per day that I was held in punitive isolation illegally. I am also requesting the return of my good time as well as my custody status be returned, I am also requesting to be moved to wrights-ville unit. and I am asking that Judge Byers be fired and the disciplinary ~~time~~ rules changed to reflect current higher court rulings.

I declare under penalty of perjury (18 U.S.C. §1621) that the foregoing is true and correct.

Executed this 15 day of DEC., 2003.


Signature of Plaintiff

VI. Relief,

LEWIS BROOKS HAS BEEN PLACED IN TUCKER MAX AS A FORM OF PUNISHMENT AND IS ASKING FOR 100.00 PER DAY FOR EVERY DAY HE HAS BEEN LOCKED UP THERE.

LEWIS BROOKS IS CURRENTLY LOCKED UP IN THE MAXIMUM SECURITY UNIT, AND IS LOCKED DOWN 23 HOURS PER DAY, HE BELIEVES THIS IS AN UNJUST RETALIATION AND PRAYS THE COURT WILL ORDER HIM RETURNED TO THE COMMINS UNIT.

STATEMENT OF CLAIM

ON 8-26-03 I Recieved a major disciplinary for contraband. (MARIJUANA) Marijuana was found at my work site. My job title is 19 barracks pickett man. I am in charge of 19 barracks laundry. My work station is a room eight feet wide by fourteen feet long. The room contains 128 seperate compartments, each compartment is assigned to a corrisponding rack number and the inmate assigned to that rack has to come to the pickett to pick up there clean clothes. the room also contains a desk and a folding table.

I was given a disciplinary along with three other inmates assigned to work in that aeria. those inmates are brooks, wright and byers,

As I stated in my disciplinary appeal, there are a number of inmates who have access to this room throughout the day and night. the inmates assigned to work in this aeria do not have keys to lock or unlock it nor do thay control movement in or around this room.

As soon as the contraband was found I was moved from the south hall to the east hall to await disciplinary court. At this time I requested a urine analysis be taken to prove that I had not been doing drugs. that urine test was given and it showed a negative reading for any drugs.

Durring my wait for disciplinary court I reviewed a number of cases pertaining to contraband found inthe work aeria or common aeria that is shaired with other inmates. Durring my search I found a number of cases dealing with just that and one of those cases was a US DISTRICT COURT CASE That was directly against Judge Byers for yhe same type of case this case involved a knife found in the work aeria that was occupied by a number of inmates. I had planed on using this case as well as one other as part of my defense.

On 9-5-03 I Was taken to disciplinary court. When I entered the hearing room I told the officer that I had some documentary evidense that I would like to enter into the record and requested the use of her fax machine. the officer refused to fax the documents I requested stating it would be up to Judge Byers weather any evidense would be allowed and she was not able to go against his wishes.

At 12:40 pm Judge Byers started the hearing. He read the charges against me and asked if I would like to make a statement. I said yes , I pled not guilty to all the charges and asked to fax my documentary evidence to him. I told the Judge that part of what I was sending him was the benny cooper case. and this case was a U.S. District Court Ruling against him for the same type of case.

Judge Byers then became angry and argumentative, stating " I know all about the Benny Cooper case, this case dose ont envolve you, and it dosen't have anything to do with why you are here today."

Judge Byers refused to allow me to present any evidense in my defense and at 12:19 pm. Found me gyilty of all charges. I was sentensed to 30 days punitave isolation, a loss of 90 dats good time and a reduction in class from class 1-C to class 4.

I filed my appeal on 9-8-03, Wardens Lay and Luckett returned the appeal on or about 9-15-03, both wardens agreed with the disciplinary courts ruling.

I filed my second level appeal on 9-17-03, which was denied by James Gibson on or about October 14, 2003,

On 12-8-03, upon having my last resort of appeal process, Larry Norris found to uphold my disiciplinary proceedings and denied such appeal, thus which finalized my disiciplinary appeal process.

Upon entering punitive segregation inmates lose all of their ability to move about freely. They are locked in a 6' X 9' cell for 23 hours a day, one hour yard call is offered at 6:00 am till 7:00 am. If you go to the yard you are not taken to a yard but to another cage that looks like a dog run. this cage is only slightly bigger than the cell you're in and there is nothing in it at all so exercise is limited to sit ups and push ups.

Mattresses are collected at 6:30 am, and not returned until about 8:00 pm. During the day inmates are forced to stand or sit on the bare concrete floor or sit on their cold steel bunk.

Reading material is prohibited. with the exception of a bible or legal papers no books or news papers are allowed.

Visitation privileges are next to non-existent, visitation is fixed to the second thursday each month or some similar day that is fixed. so if you enter punitive segregation on the day after the fixed day you are out of luck.

Commissary and phone privileges are also suspended while you are in punitive isolation.

personal hygiene products are not allowed. you are not allowed personal soap shampoo or deodorant, if you are out of tooth paste you are out of luck, tooth paste is handed out one time per month. Showers are given on monday- wednesday and friday, you are given 10 to 15 minutes.

While you are locked up in punitive isolation you are totally at the mercy of the guards. There is no contact with the outside population, ~~no~~ possible way to get word to anyone in a time of need.

I served my whole time and was released into population it will take 6 months to reach my old status.

The foregoing is true and correct and accurate to the very best of my knowledge and understanding.

CERTIFICATE OF SERVICE

I, Mark Singson, do swear under penalty of perjury that I have placed one copy of the foregoing "Title 42 Section 1983 Civil Lawsuit Petition" to the clerk of the United States District Court Clerk, at, 600 West Capitol, Little Rock, Ark, 72201.

Lincoln County)
) SS.
State Of Arkansas)

Subscribed And Sworn To Before Me, A Notary Public on this
17 day of December 2003, A.D.

03-07-2006 A.D.
My Commission Expires On

Charles Ray
Notary Public

Respectfully Submitted,
Mark W. Singson
A.D.C.# 90695
Cummins Unit
P.O. Box 500
Grady, Ark, 71644-0500

DISCIPLINARY COVER SHEET

Mark W. Singson 90695
Lewis A. Brooks 119563
Timothy M. Wright 118776

IN ACCORDANCE WITH:

Wolf v. McDonnell, 418 U.S. 539, 49 S.Ct. 2936
I would like to present documentary evidence
that will exonerate me of all charges.

SUPPORTING CASES:

UNITED STATES DISTRICT COURT ^{"unpublished"} Order
COOPER VS. NORMIS CIVIL NO. PB-C-92-635

UNITED STATES SUPREME COURT CASE
472 U.S. 445, 105 S.Ct. 2768

PAGE 1 OF 7

F-831-4

Arkansas Department of Correction

CUMMINS Unit

MAJOR DISCIPLINARY APPEAL FORM

~~PUNITIVE
ISOLATION
MARK AN "X"~~

Inmate MARK W. SINGSON ADC # 90695 Date 9-5-03
 Concerning Disciplinary Given on (date) 8-26-03 by (officer) LT. MICHAEL S. MOSLEY

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified:

THERE ARE A NUMBER OF ISSUES INVOLVED IN THIS
 APPEAL. PLEASE SEE ATTACHMENTS.

HAND WRITTEN APPEAL FOUR (4) PAGES
 CASES

COOPER VS. NORRIS CIVIL NO. PB-C-92-635 UNPUBLISHED
 UNITED STATES SUPREME COURT 472 U.S. 105 S.Ct. 2768, 00
 PUBLISHED

Inmate's Signature: Mark W. Singson

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: _____ Reverse: _____ Modify: _____

Reasons Action Taken:

Signature: _____ Date: _____

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal it to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

Color - White

Mark Singson,
Disciplinary Appeal

First, the disciplinary itself, Lt Moseley failed to link the contraband to any one person, so he charged everyone assigned to work in that area. Although he failed to include inmates who have direct access to the area where the marijuana was allegedly found. This would include 4 more picket men two wax crew men and 8 barracks porters assigned to 18, 19, 20 and 21 barracks.

Second, the disciplinary hearing, upon entering the hearing room I asked the officer to send via fax 7 pages of documentary evidence I wished to present in my defense. The officer told me it is up to the judge to decide if he will allow it into evidence.

After Judge Byers read the charges he asked if I would like to make a statement. At that time I asked him if I could introduce documentary evidence in my defense, I informed Judge Byers that part of my evidence was a U.S. District Court case, "Benjie A. Cooper v. Larry Norris" and that the case was regarding a disciplinary he had ruled on in 1992 and was overturned by the United States District Court.

JUDGE BYERS THEN BECAME ARGUMENTATIVE AND SAID I KNOW ALL ABOUT THE BENNIE COOPER CASE. THAT CASE HAS NOTHING TO DO WITH YOUR CASE, AND IT HAS NO BARING ON WHY YOU ARE HERE TODAY.

JUDGE BYERS REFUSED TO ALLOW ME TO MAKE AN EXPLANATION NOR WOULD HE ALLOW ME TO ENTER ANY DOCUMENTS INTO EVIDENCE.

THE LAW IS CLEAR IN REGARDS TO DISCIPLINARY PROCEEDINGS AND THERE ARE A NUMBER OF SUPREME COURT CASES DEALING WITH THESE ISSUES.

IN *WOLFF V. MCDONNELL* 418 U.S. 539 S.Ct. 2963. ---
SUPREME COURT OF THE UNITED STATES

// THE INMATES FACING DISCIPLINARY PROCEEDINGS SHOULD BE ALLOWED TO CALL WITNESSES AND PRESENT DOCUMENTARY EVIDENCE IN HIS DEFENSE WHEN PERMITTING HIM TO DO SO WILL NOT BE UNDULY HAZARDOUS TO THE INSTITUTIONAL SAFETY OR CORRECTIONAL GOALS. //

JUDGE BYERS CLEARLY ERRED BY NOT ALLOWING ME TO PRESENT DOCUMENTARY EVIDENCE IN MY BEHALF.

ALSO IN *Wolff v. McDonnell* AN INMATE HAS THE RIGHT TO HAVE AN IMPARTIAL HEARING OFFICER PRESIDE OVER THEIR DISCIPLINARY PROCEEDINGS.

AS SOON AS I INFORMED JUDGE BYERS THAT I INTENDED TO USE THE COOPER CASE AS PART OF MY DEFENSE IT BECAME HIS DUTY AND OBLIGATION TO STEP DOWN AND APPOINT AN ALTERNATE HEARING OFFICER TO ADJUDICATE MY DISCIPLINARY.

INSTEAD JUDGE BYERS BECAME DEFENSIVE AND ARGUMENTATIVE. DEMONSTRATING A CLEAR BIAS OPINION.

LASTS IT IS UP TO THE DISCIPLINARY COURT TO RELY ON "EVIDENCE" NOT ASSUMPTION WHEN DECIDING GUILT OR INNOCENCE.

THE JUDGE IN THIS CASE RELIED ON THE INMATES MERE PRESENTS IN THE WORK AREA TO SUPPORT THE DISCIPLINARY. WHEN IN FACT THERE WAS NO EVIDENCE TO SUPPORT A CONCLUSION THAT THE INMATE IN QUESTION POSSESSED THE MARIJUANA OR HAD KNOWLEDGE OF ITS EXISTANCE.

DUE PROCESS REQUIRES THAT THE FINDINGS OF A PRISON DISCIPLINARY BOARD BE SUPPORTED BY SOME EVIDENCE IN THE RECORD.

SEE: SUPERINTENDANT, MASSACHUSETTS CORRECTIONAL FACILITY VS. HILL 105 S. CT. 2768, 2773 (1985)

IN closing,

WHAT CONCERNS ME MORE THAN BEING FOUND GUILTY FOR A CRIME I DID NOT COMMIT IS THE FACT THAT JUDGE BYERS HAS A TOTAL DISREGARD FOR ANY AUTHORITY OTHER THAN HIS IN HIS COURT ROOM/DISCIPLINARY HEARING ROOM.

NOT ONLY IS JUDGE BYERS CLEARLY VIOLATING DUE PROCESS LAWS, BUT IS ALSO SETTING THE ARKANSAS DEPARTMENT OF CORRECTIONS UP FOR ANY NUMBER OF LAW SUITS DUE TO HIS UNPROFESSIONAL ATTITUDE AND BEHAVIOR.

I WOULD LIKE YOU TO FIND THE DISCIPLINARY AGAINST ME TO BE WITHOUT MERIT AND VOIDED. I WOULD LIKE THE DISCIPLINARY AND ALL REFERENCES TO IT REMOVED FROM MY INSTITUTIONAL FILE.

I WOULD LIKE MY CLASS 3C RESTORED AS WELL AS THE RETURN OF ALL GOOD TIME TAKEN.

I WOULD ALSO LIKE TO BE RETURNED TO 19, BKS AND HAVE MY JOB RESTORED.

THANK YOU

Mark W. Singler

CE/CARBON
COPY



P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6999
Fax: (870) 267-6258
www.state.ar.us/doc

Arkansas Department of Correction

MEMORANDUM

TO: Inmate M. Singson, #090695
Cummins Unit

From: Larry Norris, Director *LN*

Date: December 8, 2003

RE: Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a disciplinary you received on 08/26/03, at 8:50 a.m., by Lieutenant M. Mosley.

After reviewing your appeal, I find that you have failed to provide any additional evidence that would warrant modification or reversal of the disciplinary hearing officer's decision. Therefore, I find no reason why this disciplinary should be reversed or amended.

Your appeal is denied.

LN/cv

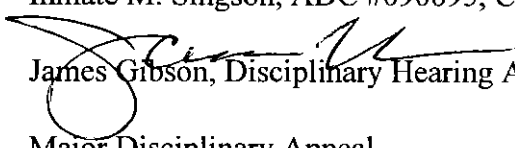
cc: Warden/Inmate File
Hearing Officer Administrator
File



P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6999
Fax: (870) 267-6258
www.state.ar.us/doc

Arkansas Department of Correction

MEMORANDUM

TO: Inmate M. Singson, ADC #090695, Cummins Unit
FROM:  James Gibson, Disciplinary Hearing Administrator
RE: Major Disciplinary Appeal
DATE: October 14, 2003

Please be advised I am in receipt of your disciplinary appeal, regarding the major disciplinary you received on 08/26/03, at 8:50 a.m., by Lieutenant M. Mosley.

After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer. You were allowed to make statements and call witnesses in your defense. You were not the only inmate charged with these violations. I do not find any reason to reverse or modify the hearing officer's decision.

If you so desire, you may appeal further to the Director of the Department of Correction.

JG(2)14eh5

cc: Warden Lay/Inmate File
File

10

**ARKANSAS DEPARTMENT OF CORRECTION
CUMMINS UNIT
INTER-OFFICE COMMUNICATION**

TO: M. Singson #90695

FROM: G. Lay, Warden 

DATE: December 02, 2003

RE: Major Disciplinary Appeal

This memo is to inform you that your letter to Mr. Hobbs has been forwarded to my office for a response on this matter. I can find no difference in the facts that lead to upholding the chairman's decision on September 15, 2003. This disciplinary is affirmed.

TO: G. LAY, WARDEN

FROM: MARK SINGSON 90695

RE: MAJOR DISCIPLINARY APPEAL

MR LAY IN RESPONSE TO YOUR LETTER DATED 12-2-03, ON 11-25-03 I SENT A LETTER TO LARRY NORMIS REQUESTING A RESPONSE TO MY DISCIPLINARY APPEAL, HOW MR HOBBS CAME IN TO THE PICTURE IS BEYOND ME, I AM STILL WAITING FOR A FINAL ANSWER TO MY APPEAL,

YOU STATE THE CHAIRMAN ISSUED A DECISION ON 9-15-03, WHO IS THE CHAIRMAN AND WHAT WAS HIS RULING, I RECEIVED NO SUCH CORRESPONDANCE.

PLEASE TELL ME WHO TO CONTACT TO FINALIZE THE APPEAL PROCESS.

THANK YOU

Mark W Singson
12-3-03

CC/

TO: LARRY NORRIS

From: mark Singson 90695

RE: DISCIPLINARY APPEAL.

MR NORRIS, ON 10-22-03 I SENT A DISCIPLINARY APPEAL TO YOUR OFFICE FOR A FINAL REVIEW. I WOULD LIKE SOME TYPE OF RESPONSE TO MY APPEAL AS SOON AS POSSIBLE.

THANK YOU FOR YOUR TIME AND CONSIDERATION

RESPECTFULLY SUBMITTED

Mark W. Singson

11-25-03

cc/

FINAL DISCIPLINARY APPEAL

TO : DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

FROM : MARK SINGSON 90695

I RECEIVED A MAJOR DISCIPLINARY ON 8-26-03
I APPEALED TO WARDEN LAY, THEN TO JAMES
GIBSON, BOTH AFFIRMED THE HEARING OFFICERS
DECISION.

JAMES GIBSON SENT ME A LETTER AFFIRMING
BUT FAILED TO RETURN THE APPEAL OR ANY
SUPPORTING PAPERS.

AS I STATED IN MY APPEAL I AM NOT
GUILTY OF THE CHARGES AND I DO NOT AGREE
WITH THE FINDINGS OF THE DISCIPLINARY
COURT,

I AM ASKING YOU TO REVERSE THE FINDINGS
RETURN ME TO MY JOB, RETURN MY CLASS AS
WELL AS MY GOOD TIME, I ALSO REQUEST
100⁰⁰ FOR EVERY DAY I WAS ILLEGALLY HELD
IN PUNITIVE ISOLATION

Mark W. Singson

10-22-03

CC/

HEARING OFFICER ADMINISTRATOR
MAJOR DISCIPLINARY APPEAL

FROM: MARK SINGSON 90695

DEAR SIR.

IT IS CLEAR TO ME THAT NOT ONLY IS
JUDGE BYERS BIASED BUT SO IS THE
ACTIONS OF WARDEN LAY AND WARDEN
LUCKSTT.

THESE MEN HAVE BEEN GIVEN THE
OPPORTUNITY TO COMPLY WITH DUE PROCESS
AND HAVE FAILED MISERABLY.

I REPEAT I HAVE NO KNOWLEDGE OF ANY
CONTRABAND, NOR did I EVER HIDE ANYTHING
IN MY WORK AREA.

IN ADDITION TO MY RETURN TO CLASS 1C
AND REINSTATEMENT OF MY JOB, I AM ALSO
ASKING FOR \$100⁰⁰ PER DAY THAT I AM
ILLEGALLY HELD IN PUNITIVE SEGREGATION
FOR A CRIME I DID NOT COMMIT.

RESPECTFULLY

Mark Singson

9-17-03




Arkansas Department of Correction

P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6999
Fax: (870) 267-6258
www.state.ar.us/doc

MEMORANDUM

TO: Inmate T. Wright, #118776
Cummins Unit

From: 
Larry Norris, Director

Date: November 7, 2003

RE: Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a disciplinary you received on 08/26/03, at 8:50 a.m., by Lieutenant M. Mosley.

After reviewing your appeal, I find that you have failed to provide any additional evidence that would warrant modification or reversal of the disciplinary hearing officer's decision. You were found to have marijuana in your work area. Therefore, I find no reason why this disciplinary should be reversed or amended.

Your appeal is denied.

LN/cv

cc: Warden/Inmate File
Hearing Officer Administrator
File